

**REAL ESTATE BOARD
MADISON, WI
MINUTES
May 22, 2003**

PRESENT: Nancy Gerrard, Richard Hinsman, Vice Chair, Richard A. Kollmansberger, Chair, Maria E. Watts, Rebecca J. Dysland by telephone, all board members; Patricia Hoeft, Division Administrator of Board Services, William Black, Legal Counsel, Roxanne Peterson, Administrative Assistant, Division of Enforcement staff; Rick Staff, General Counsel for Wisconsin Realtors Association (WRA).

CALL TO ORDER

Richard Kollmansberger, Chairman, called the meeting to order at 10:05 a.m. A quorum of five members was present.

AGENDA

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES FOR MARCH 27 AND APRIL 24, 2003 MEETINGS

MOTION: Nancy Gerrard moved, seconded by Richard Hinsman to approve the minutes. Motion carried unanimously.

ADMINISTRATIVE REPORT

- **Board Roster**

The Board Roster was approved as published.

- **2003 Meeting Dates**

Next meeting: June 26, 2003

- **Summary Reports on Pending Court Cases, Disciplinary Cases, Administrative Rules and Press Releases**

Noted

- **Review Department Procedures used to review and analyze bills and proposed legislation.**

Noted.

- **Status of case review schedule with DOE**

Rebecca Dysland and Richard Hinsman are scheduled to review cases with Division of Enforcement (DOE) staff after the June regular board meeting.

LEGISLATION UPDATE

This is a report of pending hearings, appeal cases, some time report on cases, and some administrative rules reports. This report is provided monthly by Legal Counsel. There were no questions.

ADMINISTRATIVE RULES UPDATE

Bill Black gave an update on the supervisory rules. Nancy Gerrard agreed to give an update on the real estate curriculum rules considered earlier this day at the Real Estate Curriculum Committee meeting. Mr. Black said that the Council met this morning and reviewed some final and minor changes noted to the rewrite of RL 25. Rewriting of the curriculum requirements has been going on for many months. The rule is in final draft form and needs an analysis and other work. The Council reviewed and approved the draft and their motion was to bring the rule to the full board for review and action.

Mr. Black also discussed RL 17, a rewrite of the supervision rule that has taken place for the past year and a half. The department has not completed a final review and policy analysis of the rule. There may be questions that the authorizing statute may need to be rewritten. Mr. Black did not know when a final rewrite would occur. Mr. Rick Staff said he expected to know by August if a bill would get drafted but getting the bill through the legislative process would most likely be completed by January 2005. The issue about agency disclosure would be impacted by proposed legislation. Mr. Black recommended that the board defer RL 17 to their August meeting to get an update.

REAL ESTATE CURRICULUM AND EXAMINATIONS COUNCIL

Nancy Gerrard reported on the Council meeting held this day prior to the board meeting. Richard Lust, chairman of the Auctioneer Board, met with the Council to request approval of having a course to include auctioneering. On another matter that may need some action by the full board, Ms. Gerrard reported that when the CE was implemented in 1990 or 1991, the new licensees were exempt from the CE if they were licensed in that biennium. The Council discussed that licenses are required to take the CE in the biennium in which they are licensed because there are so many new things occurring. The Council overwhelmingly approved to recommend that new licensees in the current biennium, whether licensees at the beginning or end of that biennium would be required to take the 12 hours of that current biennium.. Ms. Gerrard said she would like to make a motion to recommend to the department to make this change. The Chairman said that board could consider taking action on this item at their next meeting.

The Chairman asked what would happen if someone got their license at the eleventh hour? Ms. Gerrard said the Council talked about that and agreed that regardless of when they were licensed; there would be a time frame to get the 12-hours that could be in the beginning of the following year. It was a strong feeling that everyone should pick up the additional 12-hours. The Chairman asked if a person can take it before you receive your license? Ms. Gerrard said the council didn't discuss that but would bring it up at their next meeting. The Chairman asked that from a brokers standpoint, how do they make sure they get the training? Rick Staff said there would be two alternatives: you get it done before or after your license but before December 31 or you don't renew your license until you have taken the education in January. Roxanne Peterson noted that license holders will need to be informed about this change which is contrary to what we have told them before. Ms. Gerrard said this item will be added to the board's next agenda. On another matter, Ms. Gerrard said the Council talked about auditing continuing education providers using the actual licenses. Barb Showers will be bringing a plan back. The problem is that there are people teaching these courses who should not be doing this. Also to look at how to carry out an audit. They also talked about the sample size. The Council will meet again in the fall.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

Chairman Kollmansberger presented information concerning the following matters: Steven S. Simonovich (01 REB 106), Bryce Styza and Harmony Realty, Corp. (02 REB 020), Daniel L. Oleston, Skandia Realty, Inc. d/b/a Century 21 Skandia Realty, Inc. (02 REB 008), Gregory C. Gottsacker and Gottsacker Real Estate Services, Inc. (03 REB 001). These matters will be deliberated on in Closed Session.

CLOSED SESSION

MOTION: Rebecca Dysland moved, seconded by Richard Hinsman, to convene to closed session to deliberate on cases following hearing (s. 19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1) (b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.; and, to confer with legal counsel (s. 19.85(1) (g), Stats. to consider case closings, monitoring reports, deliberation on cases proposed to be closed by administrative warning.. Motion carried by roll call vote. Richard Hinsman-yes, Maria Watts-yes, Rebecca Dysland-yes, Nancy Gerrard-yes, Richard A. Kollmansberger-yes.

Open session recessed at 10:35 a.m.

RECONVENE TO OPEN SESSION

MOTION: Richard Hinsam moved, seconded by Nancy Gerrard to reconvene into open session at 11:02 a.m. Motion carried unanimously.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Nancy Gerrard moved, seconded by Maria Watts to close 00 REB 085, 00 REB 206, 02 REB 159, 02 REB 163, 02 REB 181 for no violations. Motion carried unanimously.

STIPULATIONS

MOTION: Maria Watts moved, seconded by Nancy Gerrard to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in each of the following matters as listed: Steven S. Simonovich (01 REB 106), Daniel L. Oleston, Skandia Realty, Inc. d/b/a Century 21 Skandia Realty, Inc. (02 REB 008), Bryce Styza and Harmony Realty, Corp. (02 REB 020), Gregory C. Gottsacker and Gottsacker Real Estate Services, Inc. (03 REB 001). Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Maria Watts moved, seconded by Richard Hinsman to accept administrative warnings for 00 REB 085 (PMB) and 00 REB 085 (SLW). Motion carried unanimously.

ADJOURNMENT

MOTION: Richard Hinsman moved, seconded by Nancy Gerrard to adjourn the meeting at about 11:30 a.m. Motion carried unanimously.